

HOUSE BILL 957

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2004 Regular Session
4r2871
CF SB 498

By: ~~Delegate Barve~~ Delegates Barve, Hurson, Hammen, Benson, Boteler,
Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Hubbard, Kach,
Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks,
Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon

Introduced and read first time: February 11, 2004
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 25, 2004

CHAPTER _____

1 AN ACT concerning

2 **Procurement - Preferences - Rehabilitation and Employment Program**

3 FOR the purpose of establishing the Rehabilitation and Employment Program within
4 the Department of General Services; clarifying the preference priority for
5 certain providers with regard to the State or certain other entities' purchases of
6 certain supplies and services; defining certain terms and altering and clarifying
7 certain terms; altering the membership of the Pricing and Selection Committee
8 for the Rehabilitation and Employment Program; clarifying provisions relating
9 to a certain entity as the coordinating entity for the distribution of certain
10 procurement contracts among certain Program providers; specifying certain
11 duties for a certain committee; and generally relating to the process regarding
12 procurement for certain rehabilitation and employment services.

13 BY repealing and reenacting, with amendments,
14 Article - State Finance and Procurement
15 Section 14-101, 14-103, 14-106, and 14-107
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2003 Supplement)

18 BY repealing
19 Article - State Finance and Procurement
20 Section 14-108
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2003 Supplement)

1 BY adding to
2 Article - State Finance and Procurement
3 Section 14-108
4 Annotated Code of Maryland
5 (2001 Replacement Volume and 2003 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - State Finance and Procurement**

9 14-101.

10 (a) In this subtitle the following words have the meanings indicated.

11 [(b) "Sheltered workshop" means an agency:

12 (1) that is organized under the laws of the United States or the State;

13 (2) that is certified as a sheltered workshop by the Wage and Hour
14 Division of the United States Department of Labor;

15 (3) that is accredited by the Division of Vocational Rehabilitation of the
16 State Department of Education;

17 (4) that is operated in the interest of individuals who have a mental or
18 physical disability, including blindness, that:

19 (i) constitutes a substantial handicap to employment; and

20 (ii) prevents the individual from engaging in normal competitive
21 employment; and

22 (5) the net income of which does not inure wholly or partly to the benefit
23 of any shareholder or other individual.]

24 (B) "REHABILITATION AND EMPLOYMENT PROVIDER" MEANS AN ENTITY
25 THAT:

26 (1) IS ORGANIZED UNDER THE LAWS OF THE UNITED STATES OR OF
27 THIS STATE;

28 (2) IS CERTIFIED AS A REHABILITATION AND EMPLOYMENT PROVIDER
29 BY THE DIVISION OF REHABILITATION SERVICES OF THE STATE DEPARTMENT OF
30 EDUCATION;

31 (3) IS OPERATED IN THE INTEREST OF INDIVIDUALS WHO HAVE A
32 MENTAL OR PHYSICAL DISABILITY, INCLUDING BLINDNESS, THAT:

1 (I) CONSTITUTES A SUBSTANTIAL HANDICAP TO EMPLOYMENT;
2 AND

3 (II) PREVENTS THE INDIVIDUAL FROM ENGAGING IN NORMAL
4 COMPETITIVE EMPLOYMENT; AND

5 (4) DOES NOT INURE NET INCOME WHOLLY OR PARTLY TO THE BENEFIT
6 OF ANY SHAREHOLDER OR OTHER INDIVIDUAL.

7 (c) "State aided or controlled entity" means any public or quasi-public
8 institution that receives aid from the State or that is owned, controlled, or managed
9 by the State.

10 14-103.

11 (A) The State or a State aided or controlled entity shall buy supplies and
12 services from:

13 (1) State Use Industries, as provided in Title 3, Subtitle 5 of the
14 Correctional Services Article, if State Use Industries provides the supplies or services;

15 (2) Blind Industries and Services of Maryland, if:

16 (i) Blind Industries and Services of Maryland provides the supplies
17 or services; and

18 (ii) State Use Industries does not provide the supplies or services;
19 or

20 (3) [sheltered workshops] THE REHABILITATION AND EMPLOYMENT
21 PROGRAM ESTABLISHED UNDER § 14-108 OF THIS SUBTITLE, if:

22 (i) a [sheltered workshop] REHABILITATION AND EMPLOYMENT
23 PROVIDER provides the supplies or services;

24 (ii) neither State Use Industries nor Blind Industries and Services
25 of Maryland provides the supplies or services; and

26 (iii) the State or a State aided or controlled entity is not required by
27 law to buy the supplies or services from any other unit of the State government.

28 (B) THE STATE OR A STATE AIDED OR CONTROLLED ENTITY SHALL GIVE
29 PREFERENCE TO THE ENTITIES LISTED UNDER SUBSECTION (A) OF THIS SECTION IN
30 THE ORDER THAT THE ENTITIES ARE LISTED.

31 14-106.

32 (a) In this section, "Committee" means the Pricing and Selection Committee
33 for THE Rehabilitation and Employment [Programs] PROGRAM.

1 (b) There is a Pricing and Selection Committee for THE Rehabilitation and
2 Employment [Programs] PROGRAM.

3 (c) The Committee consists of the following ~~6~~ 7 members:

4 (1) the Secretary of Transportation or a designee;

5 (2) the Secretary of General Services or a designee;

6 (3) the Secretary of Public Safety and Correctional Services or a
7 designee;

8 (4) the President of Blind Industries and Services of Maryland or a
9 designee; ~~and~~

10 (5) ~~2 members of Maryland Works, Inc.~~

11 (5) THE ASSISTANT STATE SUPERINTENDENT FOR THE DIVISION OF
12 VOCATIONAL REHABILITATION WITHIN THE STATE DEPARTMENT OF EDUCATION OR
13 A DESIGNEE;

14 (6) THE SECRETARY OF THE DEPARTMENT OF LABOR, LICENSING, AND
15 REGULATION OR A DESIGNEE; AND

16 (7) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR
17 INDIVIDUALS WITH DISABILITIES, OR ITS SUCCESSOR ENTITY, OR A DESIGNEE.

18 (d) A member of the Committee:

19 (1) may not receive compensation; but

20 (2) is entitled to reimbursement for expenses under the Standard State
21 Travel Regulations as provided in the State budget.

22 (e) The Committee shall:

23 (1) establish procedures to govern procurement of supplies and services
24 from [sheltered workshops] REHABILITATION AND EMPLOYMENT PROVIDERS;

25 (2) from the State procurement list, choose appropriate supplies and
26 services for [sheltered workshops] REHABILITATION AND EMPLOYMENT PROVIDERS
27 to offer for procurement;

28 (3) provide that the State procure those supplies and services from a
29 [sheltered workshop] REHABILITATION AND EMPLOYMENT PROVIDER;

30 (4) if supplies or services are not available for procurement from a unit of
31 the State government, determine whether supplies or services are available from a
32 [sheltered workshop] REHABILITATION AND EMPLOYMENT PROVIDER;

1 (5) determine the fair market price of supplies and services that
2 [sheltered workshops] REHABILITATION AND EMPLOYMENT PROVIDERS provide;

3 (6) in accordance with market conditions, adjust prices for the supplies
4 and services that [sheltered workshops] REHABILITATION AND EMPLOYMENT
5 PROVIDERS provide; and

6 (7) at the request of a [sheltered workshop] REHABILITATION AND
7 EMPLOYMENT PROVIDER, review or change the price of a supply or service.

8 (F) IN ADDITION TO THE DUTIES SPECIFIED UNDER SUBSECTION (E) OF THIS
9 SECTION, THE COMMITTEE SHALL:

10 (1) MAINTAIN A CURRENT LIST OF REHABILITATION AND EMPLOYMENT
11 PROVIDERS;

12 (2) PERIODICALLY REVIEW AND REVISE ITS LIST OF REHABILITATION
13 AND EMPLOYMENT PROVIDERS; AND

14 (3) SEND ANY REVISED LIST TO THE SECRETARY OF GENERAL SERVICES
15 AND MAKE THE LIST AVAILABLE TO EACH PERSON RESPONSIBLE FOR BUYING
16 SUPPLIES OR SERVICES FOR THE STATE OR A STATE AIDED OR CONTROLLED ENTITY.
17 14-107.

18 [Periodically the] THE Pricing and Selection Committee for THE Rehabilitation
19 and Employment [Programs] PROGRAM shall:

20 (1) MAINTAIN A CURRENT LIST OF SUPPLIES AND SERVICES THAT
21 REHABILITATION AND EMPLOYMENT PROVIDERS PROVIDE;

22 (2) PERIODICALLY REVIEW AND revise its list of supplies and services
23 that [sheltered workshops] REHABILITATION AND EMPLOYMENT PROVIDERS
24 provide; and

25 [(2)] (3) send [the] ANY REVISED list to the Secretary of General
26 Services and MAKE THE LIST AVAILABLE TO each person responsible for buying
27 supplies or services for the State or a State aided or controlled entity.

28 [14-108.

29 The Secretary of General Services shall designate Maryland Works, Inc., or
30 another appropriate coordinating entity, to facilitate the distribution of procurement
31 contracts for supplies and services among sheltered workshops.]

32 14-108.

33 (A) IN THIS SECTION, "PROGRAM" MEANS THE REHABILITATION AND
34 EMPLOYMENT PROGRAM.

1 (B) THERE IS A REHABILITATION AND EMPLOYMENT PROGRAM IN THE
2 DEPARTMENT OF GENERAL SERVICES.

3 (C) THE SECRETARY OF GENERAL SERVICES SHALL DESIGNATE MARYLAND
4 WORKS, INC., OR ANOTHER APPROPRIATE COORDINATING ENTITY, TO FACILITATE
5 THE DISTRIBUTION OF PROCUREMENT CONTRACTS FOR SUPPLIES AND SERVICES
6 AMONG REHABILITATION AND EMPLOYMENT PROVIDERS.

7 (D) THE COORDINATING ENTITY DESIGNATED UNDER SUBSECTION (C) OF
8 THIS SECTION SHALL:

9 (1) IDENTIFY POTENTIAL CONTRACTS FOR SUPPLIES AND SERVICES
10 ELIGIBLE FOR PROCUREMENT;

11 (2) ESTABLISH PROCEDURES FOR THE SELECTION OF REHABILITATION
12 AND EMPLOYMENT PROVIDERS TO PERFORM UNDER POTENTIALLY ELIGIBLE
13 CONTRACTS FOR PREFERENCE PROCUREMENT;

14 (3) ESTABLISH PROCEDURES FOR REMEDIATION ON NONCOMPLIANCE
15 WITH STATE OR PROGRAM POLICIES;

16 (4) PROVIDE TRAINING, TECHNICAL ASSISTANCE, AND OTHER NEEDS TO
17 REHABILITATION AND EMPLOYMENT PROVIDERS;

18 (5) CONDUCT COST ANALYSES AND MARKET RESEARCH FOR
19 SUBMISSION AND REVIEW BY THE PRICING AND SELECTION COMMITTEE FOR THE
20 REHABILITATION AND EMPLOYMENT PROGRAM;

21 (6) PROVIDE STAFF SUPPORT FOR THE PRICING AND SELECTION
22 COMMITTEE FOR THE REHABILITATION AND EMPLOYMENT PROGRAM; AND

23 (7) SERVE AS A MONITORING AGENT TO ENSURE THAT HIGH QUALITY
24 STANDARDS ARE MET AND MAINTAINED BY THE PROGRAM AND ITS REHABILITATION
25 AND EMPLOYMENT PROVIDERS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2004.